

18379 U.S.PTO
032904

EXPRESS MAIL MAILING LABEL	
NUMBER EV 336535972 US	
DATE OF DEPOSIT MARCH 29, 2004	
I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 Signature	

17497 U.S.PTO
10/812268

032904

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Atty. Dkt. No.: SBI-064-DIV****Prior Application Serial No.:
09/545,441****Prior Application Examiner:
Rachel M. Bennett****MAIL STOP PATENT APPLICATION**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**Prior Group Art Unit: 1615****REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/545,441 filed April 7 2000, entitled "METHODS AND COMPOSITIONS FOR TREATING INTERVERTEBRAL DISC DEGENERATION."

1. Enclosed is a copy of the prior application Serial No. 09/545,441 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter

therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- (a) The inventorship is the same as prior Application Serial No. 09/545,441.
- (b) Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

2. Enclosed is a check in the amount of \$770.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 8 below.

**CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED IN THE PRELIMINARY AMENDMENT**

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$770.00
Total Claims	12 - 20 =	0 X	\$18.00 =	\$0.00
Independent	1 - 3 =	0 X	\$86.00 =	\$0.00
Claims				
Multiple Dependent Claim(s)	-----			\$0.00
			TOTAL FILING FEES:	\$770.00

3. Applicant is entitled to Small Entity Status for this application.
- (a) A small entity statement is enclosed.

- (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- (c) Small entity status is no longer claimed.
- 4. If the check is missing or insufficient, the Director is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this document, or credit any overpayment to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2103.013882.
- 5. Enclosed is a copy of the current Power of Attorney in the prior application.
- 6. Address all future communications to:

Christopher R. Kirby
Centerpulse USA Inc.
12 Greenway Plaza, Suite 1000
Houston, Texas 77046
(713) 561-6366
- 7. The prior application is presently assigned to Centerpulse Biologics Inc.
- 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after cancellation of claims and after amendment of claims by the preliminary amendment.
- 9. Please use the formal drawings which were filed in the parent application Serial No. 09/545,441.
- 10. An Information Disclosure Statement (IDS) is enclosed.
 - (a) PTO-1449.
 - (b) Copies of IDS citations.

11. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON
CUSTOMER NUMBER: 23720

Date: March 29, 2004

Mark D. Moore
Mark D. Moore, Ph.D.
Reg. No. 42,903
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4084
(713) 934-7011 (facsimile)

AGENT FOR APPLICANTS